

"An act permanently locating the county seat of Kinney county."

The Senate then proceeded to consider the business pending at the last adjournment, viz., the matter of contest between Wells Thompson and R. P. Tendick.

A message was received from the House informing the Senate of the passage by the House of House bill No. 40, to repeal sections thirty-one and thirty-two of an act concerning private corporations, approved December 2, 1871; also of the passage by the House of House bill No. 10, to legalize and make valid the recent election in Wilson county.

Senator Dillard moved the adoption of the report of the committee.

On motion of Senator Shelley the pending matter was postponed until Monday next, and made special order for 11 o'clock A. M. by the following vote:

Yeas—Senators Avinger, Baker, Broughton, Cole, Dillard, Dohoney, Evans, Henry, King, Latimer, Pyle, Randle, Sayers, Shelley, Swift, Word, and Mr. President—17.

Nays—Senators Ball, Ford, Finlay, Flanagan, Fountain, Franks, Gaines, Hall, Rawson, Ruby, Saylor, Tendick, and Tracy—13.

On motion of Senator Cole the Senate adjourned until 10 o'clock A. M. to-morrow.

SENATE CHAMBER, }
AUSTIN, TEXAS, February 6, 1873. }

Senate met pursuant to adjournment. Roll called; quorum present.

On motion of Senator Dillard, the journal of yesterday was so amended as to show that his motion to adopt the resolution reported by the Committee on Privileges and Elections, in the matter of contest between Wells Thompson and R. P. Tendick, was the pending motion when the matter was postponed.

The journal, as amended, was then adopted.

Senator Tracy presented the petition of sundry citizens of Montgomery county, asking the removal of the county seat, etc. Referred to Committee on Counties and County Boundaries.

Senator Gaines presented the memorial of the County Court of Washington county, in regard to a special tax for the building of a jail. Referred to Judiciary Committee No. 1.

Senator Shelley presented the memorial of the County Court of Lampasas county, asking the relinquishment by the State to the county of the State taxes for the years 1872 and 1873. Referred to Committee on Finance.

Senator Shelley presented the petition of the citizens of Lampasas, asking the incorporation of their town. Referred to Committee on State Affairs.

Senator Latimer, chairman of the Committee on Enrolled Bills, made the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Enrolled Bills report that they have carefully examined Senate bill No. 40, entitled "An act to renew and continue in force an act entitled an act to charter the Nacogdoches University, approved February 3, 1845," and find it correctly enrolled.

H. R. LATIMER, Chairman.

Senator Shelley made the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your committee to whom was referred House bill No. 67, "Repealing all laws or parts of laws authorizing persons, departments, or officers of counties to have printing done at the expense of the State," respectfully report the same back, and recommend its passage.

N. G. SHELLEY, Chairman.

Judiciary Committee No. 1 made the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Judiciary No. 1, to whom was referred Senate bill No. 44, to be entitled "An act to incorporate a company to be styled the 'Palestine Fire Company,'" having carefully considered the same, instruct me to report the same back, and recommend its passage with the accompanying amendment.

JNO. L. HENRY, Chairman.

Section three, line four, amend by striking out the word "one," and inserting the word "five."

The Committee on Finance made the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Finance, to whom was referred a communication from his Excellency the Governor, enclosing a communication from the Hon. W. S.

Herndon; also enclosing House joint resolution No. 176, of the United States Congress, concerning money due the State of Texas from the United States, instruct me to report that the subject matter therein contained has been provided for by House bill, and respectfully ask that they be discharged from further consideration of the communication.

N. G. SHELLEY, Chairman.

Senator Broughton introduced a bill, No. 73, entitled "An act to create the Clay Land District, and to quiet the titles to certain lands therein." Read first time and referred to Committee on Public Lands.

Senator Hall offered the following resolution:

WHEREAS, The select committee appointed by the Senate and House of Representatives to investigate the official conduct of the Superintendent of Public Instruction (Col. J. C. De Gress), having determined to continue the investigation secretly, and not allow Col. De Gress to appear either in person or by counsel before said committee, the unanimous vote of the Senate to the contrary notwithstanding; therefore

Resolved, That the committee appointed by the Senate be withdrawn, and are hereby instructed to proceed separately in their investigation.

Senator Dohoney moved to refer the resolution to committee to examine the accounts of the Superintendent of Public Instruction. Adopted.

Senator Fountain proposed to amend the motion by adding, "and that said committee be instructed to report to-morrow."

Senator Shelley proposed to amend the amendment by striking out "to-morrow" and inserting "at as early a day as practicable." Adopted by the following vote:

Yeas—Senators Avinger, Ball, Broughton, Cole, Dillard, Dohoney, Evans, Finlay, Henry, King, Latimer, Pyle, Sayers, Shelley, Swift, Word and Mr. President—17.

Nays—Senators Baker, Ford, Flanagan, Fountain, Franks, Gaines, Hall, Rawson, Randle, Ruby, Tendick, and Tracy—12.

Amendment as amended adopted and resolution referred as indicated.

Senator Shelley introduced a bill, No. 74, to incorporate the city of Lampasas. Read first time and referred to Committee on State Affairs.

Senator Gaines introduced a bill, No. 75, "An act to authorize the County Court of Washington County to issue bonds for the purpose of funding the indebtedness of said county, contracted for the building of a jail, and to provide for their payment." Read first time and referred to Judiciary Committee No. 2.

On motion of Senator Swift, the select committee on public debt was discharged.

Senator King offered the following resolution, which was adopted:

Resolved, That the clerk of the Committee on Privileges and Elections be required to assist the enrolling and engrossing clerks when pressed with business.

A message was received from the House informing the Senate that the House had passed Senate bill No. 23, "An act to amend an act to incorporate the city of Tyler, and to provide for the administration of its municipal affairs, approved April 26, 1871."

Senator Tracy offered the following resolution:

Resolved, That the Committee on Printing be authorized to employ a clerk whenever in their judgment one may be considered necessary.

Lost.

Senator Avinger introduced a bill to amend "An act prescribing the mode of establishing the liabilities of drawers and indorsers of bills of exchange and promissory notes," approved March 20, 1848, and amended January 11, 1862. Read first time and referred to Committee on Finance.

Senator Franks introduced a bill to create the county of Hempstead. Read and referred to Committee on Counties and County Boundaries.

Senator Tracy introduced a bill to remove the county seat of Montgomery county from Montgomery to Willis. Read first time and referred to Committee on Counties and County Boundaries.

The Senate then proceeded to consider the printing bill, it being the unfinished business pending, the question being the adoption of the amendments recommended by committee of the whole. The same were considered *seriatim* and adopted by the Senate.

On motion of Senator Dillard, the bill was further amended by striking out all after the word "required," in line thirteen, first section.

The question being the passage of the bill to a third reading, on motion of Senator Broughton, a call of the Senate was ordered.

Absent—Senator Saylor.

On motion of Senator Ruby, the call was suspended, and bill passed to a third reading by the following vote:

Yeas—Senators Baker, Broughton, Cole, Dillard, Ford, Flanagan, Fountain, Franks, Gaines, Hall, Henry, Pyle, Rawson, Randle, Ruby, Tendick, Tracy and Word—18.

Nays—Senators Avinger, Ball, Dohoney, Evans, Finlay, King, Latimer, Sayers, Shelley, Swift and Mr. President—11.

Senator Latimer, chairman of the Committee on Enrolled Bills, made the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Enrolled Bills beg leave to report that Senate bill No. 40, entitled "An act to renew and continue in force an act entitled an act to charter the Nacogdoches University, approved February 3, 1845," was this day, at 11:25 o'clock, sent to the Governor for his approval and signature.

H. R. LATIMER, Chairman.

The following message was received from his Excellency the Governor:

EXECUTIVE OFFICE, STATE OF TEXAS, {

AUSTIN, February 4, 1873 {

Hon. E. B. Pickett, President of the Senate of the State of Texas:

SIR: I have to request of your honorable body to withdraw the names of W. E. Kneeland, R. H. Kirby and Alex. Britton, sent you on the twenty-first ultimo for confirmation as notaries public for Marion county.

Very respectfully,

EDMUND J. DAVIS, Governor.

On motion of Senator Fountain the request was complied with.

Also the following message was received from his Excellency the Governor, which was read, and three hundred copies of the report ordered printed for the use of the Senate:

EXECUTIVE OFFICE, STATE OF TEXAS, {

AUSTIN, February 3, 1873. {

Hon. E. B. Pickett, President of the Senate of the State of Texas:

SIR: In compliance with the resolution adopted by the

Senate on the thirty-first ult., I enclose a copy of a report made to me by the engineer-in-chief of the Southern Pacific and Trans-Continental railways. This is the only written communication made to me touching the affairs and progress of those railways.

From this report, as well as verbal information, I am led to believe that the managers of these railways are making a vigorous effort to comply with their charter, and that the construction of the roads is proceeding with great celerity. Also, that from the operation of causes beyond their control, a loss of time for construction of perhaps several months has occurred.

Very respectfully,

EDMUND J. DAVIS, Governor.

Senate bill No. 53, "An act for the relief of John H. Jenkins," read second time and ordered engrossed.

Senate bill No. 38, "An act to confer additional jurisdiction on justices of the peace," together with substitute, was read.

On motion of Senator Dohoney, the substitute was adopted.

On motion of Senator Henry, the bill was referred to Judiciary Committees Nos. 1 and 2, jointly.

Substitute for Senate bill No. 34, "An act to amend section second of an act entitled an act further regulating proceedings in the several courts of the State of Texas," was read second time.

On motion of Senator Broughton, the Senate adjourned to 10 o'clock A. M. to-morrow.

SENATE CHAMBER,)
AUSTIN, TEXAS, February 7, 1873.)

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the Rev. Mr. Teasdale.

Journal of yesterday read and amended by showing that Senator Dillard's amendment to the printing bill should read as follows: "Strike out all after the word 'required,' in thirteenth line, first section." Journal as amended adopted.

The Committee on Engrossed Bills made the following report: